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Ineke Sweeney
Name

Signature

#6
Election
Zimmerman

P&G Case 8609

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
CLIFFORD THEODORE PAPSDORF :
Serial No.: 09/905,274 : Group Art Unit: 3721
Confirmation No.: 2737 : Examiner: S. Tawfik
Filed: July 13, 2001 :

For A CONTINUOUS IN-LINE PLEATING APPARATUS AND PROCESS

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GROUP 3700

RESPONSE TO OFFICE ACTION DATED MAY 14, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512.

I. **35 U.S.C. §1021 Restriction Requirement**

The Examiner has required restriction as to Claims 1-13 (Group I), Claims 14-19 (Group II), and Claim 20 (Group III), because the inventions are distinct. For the purpose of compliance with the election request and to expedite prosecution, Applicants elect, with traverse, Group I, encompassing Claims 1-13.

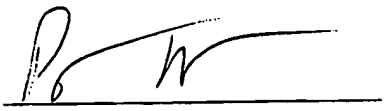
Applicants assert that the Examiner's restriction requirement is improper in light of M.P.E.P. §§802.01, 803, and 806. "There are two criteria for a proper requirement for restriction between patentable distinct inventions: (1) The inventions must be independent ... or distinct as claimed; and (2) there must be serious burden on the Examiner if restriction is not required...." M.P.E.P. §802.01 defines "independent" as having no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect...." Applicants respectfully submit that there is disclosed relationship among the claims of Groups I through III; namely, each limitation utilizes the same novel and unobvious web pleating apparatus. Thus, the apparatus,

method, and filter claims should never have been restricted from the instant Application. Thus, at a minimum, the subject of the instant groups do not meet the standards of an "independent" invention, as required by M.P.E.P. §802.01 for a proper restriction requirement.

The second criterion, which must be met pursuant to M.P.E.P. §803, requires a serious burden on the Examiner for restriction to be required. In this instance, since the present claims are directed toward a web pleating apparatus, searching the art would necessarily involve the body of art classified under Class 493, Subclasses 356 and 366, and Class 206. Applicants respectfully assert that the Examiner can and in fact should be able to search the present invention without serious burden. The instant groups should not be restricted, much less even further restricted into three separate groups. Having the Examiner perform the same search two or three more times will lead to the same inevitable and ultimate conclusion – the apparatus is novel and unobvious and thus so are the method and filter. Therefore, the novel and unobvious web pleating apparatus and the method for forming the pleatable web will be, as a matter of law, novel and unobvious and will not require further searching other than what will be performed under the instant case.

Therefore, as required by the M.P.E.P., the instant groups are not independent inventions. Prosecuting the present invention without the Examiner's restriction does not impose a burden to the Examiner. As such, neither of the two necessary criteria for the Examiner to establish a merited restriction requirement has been met. Thus, the restriction requirement, as presented, would be improper under current M.P.E.P. guidelines.

Respectfully submitted,
CLIFFORD THEODORE PAPSDORF



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May 21, 2003
Customer No. 27752

Procter & Gamble – I.P. Division

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Number of Pages Including this Page: 3

1) Response to Office Action dated May 14, 2003
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Inventor(s): Papsdorf
S.N.: 09/905,274
Filed: July 13, 2001
Confirmation No.: 2737
Case: 8609

Comments:

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